

Remarks

Claims 13-24 have been amended to recite an isolated nucleic acid fragment having promoter activity wherein said fragment comprises the nucleic acid sequence of SEQ ID NO:6 or SEQ ID NO:14. Support for this can be found in Example 4 and elsewhere in the examples. Thus, no new matter has been added.

Claims 13-24 remain rejected under 35 USC §112, first paragraph, on the ground that the specification is not enabling for an isolated nucleic acid fragment having promoter activity comprising the nucleic acid sequence of SEQ ID NO:15 or of SEQ ID NO:16.

It is respectfully submitted that the claims 13-24 as presently amended address this ground of rejection. This amendment has been made to advance prosecution of the instant application. Applicants believe that SEQ ID NOs:15 and 16 would retain promoter activity since they correspond to SEQ ID NOs:6 and 14 except that an intron has been removed from the region encoding the 5' untranslated leader of the SAMS mRNA. One skilled in the art would expect that SEQ ID NOs:15 and 16 would still retain some level of promoter activity.

In view of the foregoing, it is respectfully submitted that the claims are now in form for allowance which allowance is respectfully requested.

Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Response After Final to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

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